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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,804	01/11/2002	Paul H. DeKeyser	FAST-1	9078

34284 7590 03/12/2007  
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COSTA MESA, CA 92626

EXAMINER
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TEKLE, DANIEL T

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/043,804

Applicant(s)

DEKEYSER ET AL.

Examiner

Daniel Tekle

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-4, 7-13, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4, 7-13, 15-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

Applicant amendment and argument filed December 04, 2006 regarding the 102 rejection is persuasive and withdraw due to the newly added limitation; however the 103 rejection respect to claims 2-4, and 7-13 under Nagasaka et al. in view of Akiba et al. are found not to be persuasive.

**Regarding Claim 7:** In page 4 of the remarks applicant argues "a looping the data on the memory by overwriting a portion of the memory".

In response, the examiner respectfully disagrees. Akiba et al. disclose a ring buffer that overwrites or rewrite video data before it display (**column 17 lines 60-67 and column 18 lines 1-37**). The ring buffer and looping memory share the same function other-than the storage size; however it is obvious type to one ordinary skill in the art at the time of the invention to replace a ring buffer as a substitute of looping memory since they share same function.

Additional applicant argues on page 4 of the remark "It does not provide an index to store different addresses of the memory of each of a plurality of sequential frames of the data recorded".

In response, the examiners respectfully disagree. It is inherent to store a video data or index in different address of each plurality frame in the ring buffer.

Also applicant argues on page 4 paragraphs 5 of the remark of the obviousness type of rejection.

In response, the examiners respectfully disagree for the same subject matter as explained above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-11, 2-4, 12-13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nagasaka et al.(US 5974218)** and further in view of **Akiba et al.(US 6377745)**

**Regarding Claim 7-11 and 2:** **Nagasaka et al.** disclose the future invention of a method of recording a data comprising: providing a memory; using an index to store different addresses of the memory for each of a plurality of sequential frames of the data **recorded (column 11 lines 8-26)**; retrieving at a least a portion of the data by accessing the memory addresses from the index **(column 15 and 16, line 64-67 and line 1-6 respectively)**; **"and looping the data on the memory by overwriting a portion of the memory(not disclose by Nagasaka et al.)"**; further the index identifies individual ones of the plurality of frames using at least one of frame number, time, and date **(column 15 and 16, line 64-67 and line 1-6 respectively)**; further the different addresses are start addresses **(column 11 lines 8-26)**; storing individual ones of the plurality of consist of sequential frames in a digital format **(column 11 line 18-30)**; the

index comprises a table (**column 8 and 9, line 53-67 and 1-7 respectively**); appending multiples ones of the addresses to the index sequentially during recording (**column 10 and 11, lines 65-67 and lines 1-7 respectively**). Nagasaka et al. did not point out **“and looping the data on the memory by overwriting a portion of the memory”**. However Akiba et al. disclose a ring buffer that rewrite or overwrite video data (**column 17 lines 60-67, column 18 lines 1-37 and figure 17**)

It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the ring buffer of Akiba et al. into Nagasaka et al. invention in order to present rapid and easy search of a desired location video data.

**Regarding claims 12-13 and 3-4:** See the teaching of **Nagasaka et al.** above.

**Nagasaka et al.** do not teaches an index to identify addresses that can be overwritten; overwritten a portion of the memory used to store an earlier one of the plurality of sequential frames with a later one of the plurality of sequential frames, and recording corresponding information in the index; providing a loop remnant directory to determine a changing boundary between newly ones of the frames; further deallocating at least some of the address from the index; however **Akiba et al.** teaches an arrangement of frame buffer correspond to the index picture in a ring buffer technique; a method of frame buffer rewritten one at a time by switching the index picture to the next one; the relationship directory between the new or old frame buffer and index picture is shifted upward one by one (**column 17 lines 61-67 and 18 lines 1-36**).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the ring buffer structure of **Akiba et al.** into the digest

picture making method of **Nagasaka et al.** in order to store video frame into buffer memory that has not yet been recorded by overwriting the oldest one with a new one.

**Regarding Claim 15-16:** Claims 15-16 rejected for the same subject matter as claim 1 above; in additional akiba et al. disclose allocating a portion of the memory from being overwritten by subsequent recording in the loop (**column 18 lines 11-37**).

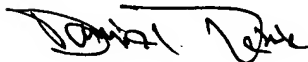
**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

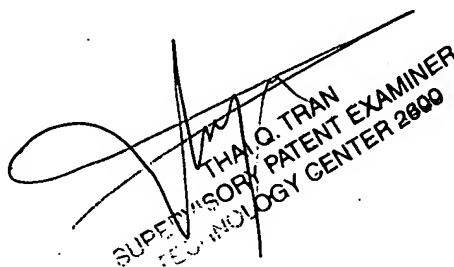
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Tekle whose telephone number is 571-270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other F..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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